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COMMITTEE OF THE WHOLE

SUMMARY RECORD OF THE 22nd MEETING

Held at the Headquarters of the Food and Agriculture Organization of the United Nations on Thursday, 2 July 1998, at 3 p.m.

Chairman: Mr. P. KIRSCH (Canada)

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The meeting was called to order at 3.20 p.m.

CONSIDERATION OF THE QUESTION CONCERNING THE FINALIZATION AND ADOPTION OF A CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL COURT IN ACCORDANCE WITH GENERAL ASSEMBLY RESOLUTIONS 51/207 OF 17 DECEMBER 1996 AND 52/160 OF 15 DECEMBER 1997 (*continued*) (A/CONF.183/2/Add.1 and Corr.1; A/CONF.183/C.1/WGIC/L.8 and Corr.1, L.10 and Corr.1, L.11 and Corr.1 and Corr.2)

Part 9 of the draft Statute

1. **The CHAIRMAN** invited the Coordinator for Part 9 to introduce the report of the Working Group on International Cooperation and Judicial Assistance.

2. **Mr. MOCHOCHOKO** (Lesotho), Coordinator for Part 9, introducing the report of the Working Group, said it was transmitting to the Committee for consideration article 85, article 86, paragraphs 1 to 4 and 6 to 7, articles 88, 89 and 90 *bis*, all paragraphs in article 91 with the exception of paragraph 4, and article 91 *bis*. The remaining articles would be transmitted at a later stage.

3. He wished to highlight a few points regarding certain of those articles. In article 88, paragraph 1 (a) (iii), a footnote should be added reading: "Some delegations have emphasized that they accept paragraph 1 (a) (iii) with the proviso that in article 87, paragraph 3, subparagraph (d) of option 2 will be deleted." In article 91 *bis*, the reference in the first sentence of paragraph 2 should be to paragraph 1. The understanding of the Working Group was that the text within square brackets in article 86, paragraph 7, would have to be reconsidered in the light of the decision on the question of referral of the matter to the Court by the Security Council. The terms that appeared in square brackets in articles 88 and 89 should be considered in the light of the use of those terms in article 87. Lastly, the terms enclosed in square brackets in article 91, paragraph 1, would have to be reconsidered in the light of the decision taken on the question of application of national law in Part 9.

4. **Ms. BOREK** (United States of America), referring to the footnote to article 88, paragraph 1 (a) (iii), pointed out that there had in fact been no agreement on the deletion of subparagraph (d) of option 2. She therefore proposed that, for the sake of clarity, a further sentence should be added to the footnote, to read: "This issue, however, is still under discussion in the Working Group."

5. **The CHAIRMAN** said he noted that the Coordinator for Part 9 was prepared to accept that amendment. If he heard no objection he would take it that the Committee wished to refer the articles concerned to the Drafting Committee.

6. *It was so decided.*

The meeting rose at 3.30 p.m.